

MAY 25 2005



Fax transmission from:
U.S. Naval Research Laboratory
Associate Counsel Intellectual Property, Code 1008.2
4555 Overlook Avenue, SW
Washington, DC 20375-5325

From: Joe Grunkemeyer

Phone: (202) 404-1556

Fax: (202) 404-7380

Date: 05/25/2005

To: Examiner Margaret G Moore

Art Unit 1712

Fax: (703) 872-9306

Cover Sheet + 4 Pages

Message:

RE: Patent Application No.: 10/672,272

Filed: 09/26/2003

Inventor: Houser et al.

Docket No.: NC 95,784

Response to Non-final Rejection – 2 pages

Terminal Disclaimer – 1 page

Fee Transmittal – 1 page

MAY 26 2005
OIPF/JCWS

RECEIVED

The information contained in this facsimile may be client confidential, and may also be attorney privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, distribution, or copying of this transmission is prohibited. If you have received this facsimile in error, please notify us immediately by telephone for instructions. Thank you.

PATENT APPLICATION
Docket No.: NC 95,784

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Houser et al.
Serial No.: 10/672,272
Filed: 09/26/2003
For: HYPERBRANCHED CHEMOSELECTIVE SILICON-BASED POLYMERS FOR
CHEMICAL SENSOR APPLICATIONS
Examiner: Moore, Margaret G.
Art Group Unit: 1712

Honorable Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

May 25, 2005

RESPONSE TO NON-FINAL REJECTION

Sir:

In response to the Office action of 02/28/2005 setting a three month shortened statutory period of reply, please consider the following remarks.

Claims 14-28 are pending in the application. No claims are presently allowed.

Claim Rejections – 35 U.S.C. § 102

Claims 14-17 and 22-25 have been rejected under 35 U.S.C § 102(b) as allegedly anticipated by McGill et al. (US 2002/0026026).

In order to sustain a rejection under 102(b), the claimed invention must be “patented or described in a printed publication ... more than one year prior to the date of the application for patent in the United States.” Under 35 U.S.C. § 121, a divisional application “shall be entitled to the benefit of the filing date of the original application.”

The present application is a divisional application of US Patent Application No. 10/091,024, filed on 03/06/2002 and is entitled to the benefit of that filing date. The publication date of McGill is 02/28/2002, which is less than one year prior to the priority date of the present

CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence is being facsimile transmitted to the US Patent and Trademark Office on the date shown below.

5/15/05
Date

Joseph T. Grunkemeyer
Joseph T. Grunkemeyer

Serial No.: 10/672,272

PATENT APPLICATION
Docket No.: NC 95,784

application. McGill is not prior art under 102(b), and the rejection cannot be sustained.

Claim Rejections – 35 U.S.C. § 102, 103

Claim 21 has been rejected under 35 U.S.C § 102(b) as allegedly anticipated by, or in the alternative, under 35 U.S.C § 103(a) as being allegedly obvious over McGill.

As explained above, McGill is not prior art under 102(b).

Double Patenting


Claims 14-28 have been rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 14-27 of US Patent No. 6,617,040.

Without admitting any obviousness of the claimed invention, a terminal disclaimer over the patent is attached.

In view of the foregoing, it is submitted that the application is now in condition for allowance.

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281, and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,



Joseph T. Grunkemeyer
Reg. No. 46,746
Phone No. 202-404-1556
Office of the Associate Counsel
(Patents), Code 1008.2
Naval Research Laboratory
4555 Overlook Ave, SW
Washington, DC 20375-5325